

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY MARCH 28, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 35**

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**Introduced by Assembly Member Ruskin**  
**(Principal coauthor: ~~Assembly Member Lieu~~ coauthors: *Assembly***  
***Members Laird and Lieu*)**  
**(Coauthor: *Assembly Member Hancock*)**

December 4, 2006

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~~An act to amend Section 15770 of the Government Code, and to add~~  
*An act to add Part 3.1 (commencing with Section 71117) to Division*  
34 of the Public Resources Code, relating to the environment.

### LEGISLATIVE COUNSEL'S DIGEST

AB 35, as amended, Ruskin. Environment: state buildings: sustainable building standards.

~~(1) Existing~~

*Existing* law sets forth various requirements for energy and design efficiency in construction and renovation of state buildings.

This bill would enact the Sustainable Building Act of 2007 and would require the ~~State Public Works Board~~ *California Environmental Protection Agency*, by July 1, 2009, to adopt regulations for sustainable building standards for the construction or renovation of state buildings, as defined. The bill would require the regulations to incorporate specified standards described in the United States Green Building Council's Leadership in Energy and Environmental Design, including a certification system based on attaining credits. The bill would require the regulations to also consider existing relevant information and

guidelines, that maximize specified sustainability measures and methods, and to provide for credits for the use of specified products. The bill would require the State Energy Resources Conservation and Development Commission, the Department of General Services, and the California Integrated Waste Management Board to develop the regulations, which would be adopted by the ~~board~~ *agency* and would require those developing entities to consult with appropriate state agencies, and specified private and public sector organizations and the public, and to hold at least 2 public workshops. The bill would require, on and after July 1, 2010, that a state building for which development of capital plans commences *on or* after that date, and a renovation commencing on or after that date, be built, designed, and operated in accordance with those regulations.

~~(2) Existing law provides that the State Public Works Board consists of the Director of Finance, the Director of Transportation, and the Director of General Services, and under specified conditions, the Treasurer and the Controller.~~

~~The bill would also require the State Public Works Board to include the Treasurer and the Controller for purposes of the bill.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 15770 of the Government Code is~~  
2     ~~amended to read:~~  
3     ~~15770. (a) There is in the state government the State Public~~  
4     ~~Works Board. The board consists of the Director of Finance, the~~  
5     ~~Director of Transportation, and the Director of General Services.~~  
6     ~~(b) For the purpose of hearing and deciding upon matters related~~  
7     ~~to the issuance of revenue bonds pursuant to the State Building~~  
8     ~~Construction Act of 1955 (Part 10b (commencing with Section~~  
9     ~~15800)), or any other law authorizing the issuance of revenue~~  
10    ~~bonds, or for the purpose of adopting regulations pursuant to the~~  
11    ~~Sustainable Building Act of 2007 (Part 3.1 (commencing with~~  
12    ~~Section 71117) of Division 34 of the Public Resources Code), the~~  
13    ~~Treasurer and the Controller shall be members of the board.~~  
14    ~~(c) Three Members of the Senate, appointed by the Senate~~  
15    ~~Committee on Rules, and three Members of the Assembly,~~  
16    ~~appointed by the Speaker, shall meet with and participate in the~~

1 ~~work of the board to the extent that their participation is not~~  
2 ~~incompatible with their positions as Members of the Legislature.~~  
3 ~~The appointed Members of the Legislature constitute a legislative~~  
4 ~~interim committee on the subject of this part with all the powers~~  
5 ~~and duties imposed upon those committees by the Joint Rules of~~  
6 ~~the Legislature.~~

7 ~~SEC. 2.~~

8 *SECTION 1.* Part 3.1 (commencing with Section 71117) is  
9 added to Division 34 of the Public Resources Code, to read:

10  
11 **PART 3.1. SUSTAINABLE BUILDING ACT OF 2007**  
12

13 71117. The Legislature finds and declares all of the following:

14 (a) California is committed to providing leadership on energy,  
15 environmental, and public health issues by implementing  
16 innovative and resource-efficient public building design practices  
17 and other state government programs that improve the lives of  
18 California's 35 million residents.

19 (b) The state invests approximately two billion dollars  
20 (\$2,000,000,000) annually for design, construction, and renovation,  
21 and more than six hundred million dollars (\$600,000,000) annually  
22 for energy, water, and waste disposal at state-funded facilities.

23 (c) A building's energy, water, and waste disposal costs are  
24 computed over a 25-year period, or for the life of the building, and  
25 far exceed the cost of design and construction.

26 (d) An opportunity exists for the state to foster continued  
27 economic growth and provide environmental leadership by  
28 incorporating sustainable building practices into the state capital  
29 outlay and building management processes.

30 (e) Sustainable building practices utilize energy, water, and  
31 materials efficiently throughout the building's life cycle; enhance  
32 indoor air quality; improve employees' health, comfort, and  
33 productivity; incorporate environmentally preferable products, and  
34 thereby substantially reduce the costs and environmental impacts  
35 associated with long-term building operations, without  
36 compromising building performance or the needs of future  
37 generations.

38 (f) The widespread adoption of sustainable building principles  
39 would result in significant long-term benefits to the California  
40 environment, including reductions in smog generation, runoff of

1 water pollutants to surface water and groundwater sources, and  
2 the demand for energy, water, and sewage treatment services, and  
3 the fiscal and environmental impacts resulting from the expansion  
4 of these infrastructures.

5 (g) It is critical that the state provides leadership to both the  
6 private and public sectors in the sustainable building arena.

7 (h) It is the policy of the state to site, design, deconstruct,  
8 construct, renovate, operate, and maintain state buildings that are  
9 models of energy, water, and material efficiency, while providing  
10 healthy, productive, and comfortable indoor environments and  
11 long-term benefits to Californians.

12 (i) The Climate Action Team's report, Climate Action Team  
13 Report to the Governor and the Legislature, identifies strategies  
14 to reduce greenhouse gas emissions, which include continued  
15 implementation of the Green Building Initiative and energy  
16 efficiency standards for state buildings.

17 (j) The Climate Action Team has reported to the Governor and  
18 the Legislature an expected savings of 6.5 million tons of  
19 greenhouse gas emissions annually by 2015 due to the continued  
20 implementation of the Green Building Initiative.

21 (k) It is the intent of the Legislature, in enacting this part, to  
22 recognize that no one set of existing "green" building guidelines  
23 may encompass the state's unique economic and natural  
24 resources-related environment. It is further the intent of the  
25 Legislature to ensure that the guidelines adopted pursuant to this  
26 part recognize California's leadership in environmental  
27 sustainability practices and include the most rigorous measures  
28 and methods possible with regard to the factors specified in  
29 subdivision (a) of Section 71117.2.

30 71117.1. For purposes of this part, the following terms have  
31 the following meanings:

32 ~~(a) "Board" means the State Public Works Board.~~

33 (a) "Agency" means the California Environmental Protection  
34 Agency.

35 (b) "Developing entities" means the State Energy Resources  
36 Conservation and Development Commission, the Department of  
37 General Services, and the California Integrated Waste Management  
38 Board.

39 (c) "Sustainable building" means a project designed to reduce  
40 both direct and indirect environmental consequences associated

1 with its construction, use, operation, maintenance, and eventual  
2 decommissioning, the design of which is evaluated for cost,  
3 quality-of-life impacts, future flexibility, ease of maintenance,  
4 energy and resource efficiency, and overall environmental impact,  
5 with an emphasis on life-cycle cost analysis.

6 (d) “State building” means a building owned or leased by the  
7 state.

8 71117.2. (a) On or before July 1, 2009, the ~~board~~ agency shall  
9 adopt regulations for sustainable building standards for the  
10 construction or renovation of state buildings regarding all of the  
11 following:

- 12 (1) Sustainability of the site.
- 13 (2) Water efficiency.
- 14 (3) Energy and atmosphere.
- 15 (4) Materials and resources and sustainable wood.
- 16 (5) Indoor environmental quality.
- 17 (6) Innovation and design process.
- 18 (7) Nonmotorized transportation.

19 (b) (1) The regulations adopted pursuant to this section shall  
20 incorporate, at a minimum, the standards described in the United  
21 States Green Building Council’s (USGBC) Leadership in Energy  
22 and Environmental Design (LEED) silver rating, as set forth in  
23 “Version 2.2” of LEED, as published by the USGBC in November  
24 of 2005, including a system for the certification of building projects  
25 based on attaining credits by complying with specified prerequisites  
26 and benchmarks.

27 (2) The regulations shall also consider those aspects of existing  
28 relevant information and guidelines that maximize the measures  
29 and methods identified in subdivision (a) and shall allow for  
30 flexibility to meet California’s building standards. These existing  
31 relevant guidelines and information shall include, but are not  
32 limited to, all of the following:

33 (A) The Green Building Initiative’s “Green Globes” rating  
34 system.

35 (B) The federal Environmental Protection Agency’s “Federal  
36 Green Construction Guide for Specifiers.”

37 (C) The federal Department of Energy’s “Greening Federal  
38 Facilities.”

39 (D) The state’s Building Better Buildings: An Update on State  
40 Sustainable Building Initiatives (Blueprint 2003).

1 (E) The Governor's Executive Order S-20-04.

2 (3) ~~The~~ *Notwithstanding paragraph (1), the* regulations adopted  
3 pursuant to this section shall require, for purposes of achieving  
4 certification, that credits be provided to those projects that use  
5 wood products with a credible third-party sustainable forest  
6 certification, as determined by the ~~board~~ agency. The regulations  
7 shall also provide credit for the use of California-based resources,  
8 including building materials, products, industries, manufacturers,  
9 and other businesses, to promote the economic development of  
10 this state.

11 (c) The developing entities shall develop regulations pursuant  
12 to this part, to be adopted by the ~~board~~ agency, and shall take all  
13 of the following actions during the development of the regulations:

14 (1) Consult with appropriate state agencies, the building and  
15 construction industry, the building and construction supplies  
16 industry, recognized environmental advocacy groups, sustainable  
17 building groups, other interested organizations, and the public.

18 (2) Hold at least two public workshops to discuss the regulations  
19 and gather input from interested parties.

20 (d) The ~~board~~ agency, in consultation with the developing  
21 entities, may revise, if deemed necessary by the ~~board~~ agency, the  
22 regulations developed pursuant to this section.

23 (e) The ~~board~~ agency shall consult with the California Building  
24 Standards Commission to ensure that the regulations developed  
25 pursuant to this section are not in conflict with the California  
26 Building Standards Code. The requirements of Part 2.5  
27 (commencing with Section 18901) of Division 13 of the Health  
28 and Safety Code do not apply to a regulation developed or adopted  
29 pursuant to this section.

30 ~~(f) The board shall consult with the advisory members of the~~  
31 ~~State Public Works Board before adopting regulations pursuant to~~  
32 ~~this part.~~

33 71117.3. On and after July 1, 2010, a state building for which  
34 development of capital plans commences on or after that date, and  
35 a renovation to a building owned by the state that commences on  
36 or after that date, shall be built, designed, and operated in  
37 accordance with the regulations adopted pursuant to this part.